

C. Remarks:

Upon entry of the above amendments, claims 48-51, 54-55, 58-62, 64-68, 70-74, and 76-79 are pending in the application. Applicants acknowledge with appreciation the allowance of claims 48-51, 55, 58-62, 64-68, 70-74, and 76-79. In order to expedite prosecution of this application, and to place it in condition for allowance, claims 57, 63, 69, and 75 have been canceled, without prejudice or disclaimer to pursuing these claims in a related application. Claims 54, 62, 68, and 74 have been amended to correct dependency, thereby also placing them in condition for allowance. No new matter has been added.

Examiner's Comments:

- (1) Claims 57, 63, 69, and 75 were rejected under 35 U.S.C. § 112, ¶ 1 for lacking enablement;
- (2) Claim 54 was objected to for improper dependency.

Rejection of Claims 57, 63, 69, and 75 under 35 U.S.C. § 112, ¶ 1.

The Examiner rejected the above claims as lacking enablement. The claims are directed to nucleic acid sequences that are 95% identical to SEQ ID NOS: 1, 2, 15, and 17, respectively. The Examiner recites the Wands factors in support of the rejection and concludes that it would require undue experimentation by the person ordinarily skilled in the art to use such related nucleic acids. While Applicants respectfully disagree with the Examiner's conclusion, for purposes of expediting prosecution and moving this application to allowance, claims 57, 63, 69, and 75 have been canceled herein. These claims are canceled without prejudice or disclaimer and they may be pursued in related applications later filed.

Accordingly the rejections are now moot and should be withdrawn.

Objection to claim 54.

The Examiner objected to claim 54 for improper dependency to a previously canceled claim. Claim 54, along with claims 62, 68, and 74, have been amended herein to correct dependency. Accordingly the objection is moot and should be withdrawn.

D. Conclusion:

Applicants submit that this paper is fully responsive and that the application is in condition for allowance. Such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

This Response is being submitted on or before the two month date of the mailing of the Final Office Action, *i.e.*, October 27, 2003 (the nominal date of October 26, 2003 occurring on a Sunday). No fees are believed due with this filing. However, the Commissioner is hereby authorized to charge payment of any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 15966-601 (Cura-101).

Respectfully submitted,

Dated: October 24, 2003

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